FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL WRIT PETITION NO.519 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.Vivek Kantawala i/by V.M.Sharma for the petitioners.

Mr.R.Satyanarayan for Respondent no.1.

Mr.S.R.Shinde, APP for the State.

Coram : R.S.Mohite,J

Date : 17.3.2006.

PC

1. Heard both sides.

2. This matter was disposed off by my order dated 10.3.2006 by stating that the petition was impugning an order of issuance of process and holding that the proper remedy was to file a revision before the Sessions Court. It is pointed out to me that the order of issuing process was challenged before the revisional Court and the revision came to be dismissed. Advocate

for the petitioners states that due to over sight and inadvertance no prayer was made in the petition challenging the revisional order and thus the only prayer in the petition impugned the order of issuance of process. In this view of the fact, my order dated 10.3.2006 is re-called. The matter is re-heard. The contention made is that there is no proper averment in the petition regarding the applicant being person incharge and responsible to the company at the relevant time. Advocate for the respondents states that the evidence of the Complainant has already commenced. The process was issued in the year 2004. Hence, I am not inclined to interfere with the petition. Petition is dismissed. All points are left open to be agitated in the trial.

(R.S.Mohite,J)